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INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1987

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JULY 28, 1986.—Ordered to be printed

Mr. ASPIN, from the Committee on Armed Services, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 4759]

The Committee on Armed Services, to whom was referred the bill (H.R. 4759) to authorize appropriations for fiscal year 1987 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 4759 would authorize appropriations and address related matters for fiscal year 1987 for certain Department of Defense intelligence-related activities within the jurisdiction shared by the Committee on Armed Services and the Permanent Select Committee on Intelligence pursuant to the provisions of clause 1(c) of rule X and clause 2(b) of rule XLVIII of the Rules of the House of Representatives and to section 138 of title 10, United States Code.

SEQUENTIAL REFERRAL

H.R. 4759 was originally referred only to the Permanent Select Committee on Intelligence. Because jurisdiction over Department of Defense intelligence-related activities is shared between the Committee on Armed Services and the Permanent Select Commit-

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tee on Intelligence, pursuant to clause 1(c) of rule X and clause 2(b) of rule XLVIII of the Rules of the House of Representatives, the bill was sequentially referred on July 17, 1986, for a period ending not later than July 30, 1986, for consideration of those areas within the jurisdiction of the Committee on Armed Services.

Background and Discussion

The committee exercised its oversight jurisdiction, as shared with the Permanent Select Committee on Intelligence, with regard to Department of Defense intelligence-related matters falling within the authorizing responsibility of the committee under section 138 of title 10, United States Code. In anticipation of the sequential referral of H.R. 4759, the committee reflected its agreement with the Permanent Select Committee on Intelligence on those intelligence-related matters in its report of H.R. 4428, the Department of Defense Authorization Act for fiscal year 1987 (ordered reported on July 24, 1986). Because the specific figures in the Department of Defense intelligence-related activities accounts are classified, they are included only in the classified annex of the report on H.R. 4759 prepared by the Permanent Select Committee on Intelligence.

Departmental Views

The programs approved were a part of the overall program submitted by the Department of Defense for authorization of appropriations for fiscal year 1987.

Committee Position

The report of the Committee on Armed Services on H.R. 4428, the Department of Defense Authorization Act for fiscal year 1987, reflects the agreement of the committee on those matters contained in H.R. 4759 that fall within its jurisdiction. On July 24, 1986, a quorum being present, the committee agreed to report H.R. 4428, as amended, by a rollcall vote of 40 to 2. The agreement of the committee concerning intelligence-related activities was reaffirmed by a voice vote to report H.R. 4759.

H.R. 4759 includes a provision (section 107) that would restrict the use of funds for certain purposes with respect to Angola. Several members of the committee expressed opposition to this restriction but, in the interest of integrating debate on this issue of shared jurisdiction, agreed that any amendment should be offered during deliberations by the full House.

Fiscal Data

Five-year cost projection

Pursuant to clause 7 of rule XIII of the Rules of the House of Representatives, the committee reports that the cost estimate for fiscal year 1987 and the following five years as they relate to specific actions by the committee are included in the classified annex of the report on H.R. 4759 prepared by the Permanent Select Committee on Intelligence. Accordingly, the committee adopts the comments of the select committee in part 1 of the report on H.R. 4759

as they relate to matters within the jurisdiction of the Committee on Armed Services.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the committee adopts the comments of the Permanent Select Committee on Intelligence in part 1 of the report on H.R. 4759, indicating that the committee has received no report from the Congressional Budget Office. However, pertinent programs under the jurisdiction of the Armed Services Committee are reflected in the Congressional Budget Office report on H.R. 4428.

INFLATION-IMPACT STATEMENT

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the committee adopts the position of the Permanent Select Committee on Intelligence in part 1 of the report on H.R. 4759, as it relates to matters within the jurisdiction of the Committee on Armed Services.

OVERSIGHT FINDINGS

With reference to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to this subject matter.

In compliance with clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee reports that it reviewed carefully the various aspects of intelligence-related activities of the Department of Defense in conjunction with reporting H.R. 4428, the Department of Defense Authorization Act for fiscal year 1987. That review was equally pertinent to those same programs reflected in the classified annex of the report on H.R. 4759 prepared by the Permanent Select Committee on Intelligence. That review constitutes but one element of the committee's continuing examination of the national defense and intelligence establishments as a major segment of its oversight responsibilities with regard to national security.

CHANGES IN EXISTING LAW

Changes in existing law are contained in Part 1 of the report.

SUMMARY

BACKGROUND AND PURPOSE

H.R. 4759 would authorize appropriations and address related matters for fiscal year 1987 for certain Department of Defense intelligence-related activities within the jurisdiction shared by the Committee on Armed Services and the Permanent Select Committee on Intelligence pursuant to the provisions of clause 1(c) of rule X and clause 2(b) of rule XLVIII of the Rules of the House of Representatives.

Because the matters acted on by the committee were confined basically to classified items in the Department of Defense intelligence-related activities category, the committee recommendations are reflected in the classified annex to the report on H.R. 4759 prepared by the Permanent Select Committee on Intelligence. This committee and the select committee reached an agreement on all matters that were jointly considered.

FISCAL DATA

The estimate of costs for fiscal year 1987 and the following five years as they relate to the specific recommendations for the Department of Defense intelligence-related activities are included in the classified annex to the report on H.R. 4759 prepared by the Permanent Select Committee on Intelligence.

DEPARTMENTAL POSITION

The programs approved were a part of the overall program submitted by the Department of Defense for authorization of appropriations for fiscal year 1987.

COMMITTEE POSITION

On July 24, 1986, the Committee on Armed Services agreed, by a rollcall vote of 40 to 2, to report H.R. 4428, the Department of Defense Authorization Act for fiscal year 1987, which reflects the agreement of the committee with those matters contained in H.R. 4759 that fall within the jurisdiction of the Committee on Armed Services. The committee reaffirmed that agreement with respect to the intelligence-related matters by a voice vote to report H.R. 4759.

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DISSENTING VIEWS

We resolutely oppose Section 107 of H.R. 4759 as a dangerous restriction on the ability of the United States to engage in effective action in Angola in support of U.S. foreign policy objectives. Country-specific restrictions on the conduct of a particular type of covert action demonstrate a lack of will in facing up to Soviet exploitation of regional military, political, economic and social forces to advance Soviet interests. Under Section 107 of H.R. 4759, the President would lack authority to conduct covert actions in Angola if they involved support of paramilitary operations, eliminating his ability to conduct such actions when he determines that it is important to the national security. The United States Government would cease to possess the legal authority which would be necessary to conduct a covert action to support the freedom fighters of the National Union for the Total Independence of Angola (UNITA).

SECTION 107 OF THE BILL UNDULY CONSTRAINS U.S. OPTIONS

Achievement of United States foreign policy objectives abroad often depends upon the ability of the President to conduct activities in support of such objectives without official public acknowledgement of them. Both the Executive Branch and the Congress understand, or at least ought to understand, that, to ensure the success of covert actions and of the diplomatic activities of the United States which those actions support, they can neither confirm nor deny publicly the existence or nonexistence of any particular alleged covert action (and, of course, nothing in these views does so with respect to Angola or any other country).

Section 107 of the bill would renounce absolutly, regardless of what the future might hold, the possibility of a United States covert action to support freedom fighters in Angola. The bill would prohibit United States Government obligation or expenditure of funds to support military or paramilitary operations in Angola or to provide any assistance to any group engaged in such operations unless:

(1) use of funds for that purpose is the U.S. Government's openly acknowledged policy;

(2) the President determines that such support is important to the national security;

(3) the President requests that the Congress approve openly acknowledged U.S. support; and

(4) the Congress enacts a joint resolution approving support to the extent specified by the joint resolution.

Section 107 of the bill would eliminate the covert action option for support to freedom fighters in Angola. The legislation would prohibit the United States from supporting UNITA unless the U.S. announced it to the world and conducted an open Congressional

debate. The United States would lose an option which might prove essential in meeting the Communist challenge in Angola.

Section 107 of H.R. 4759 reinforces a naive assumption that the United States can conduct all aspects of its foreign policy in public, ignores the harsh realities of interstate conflict in the world today, and does a disservice to the American people. Suppose for example that Section 107 became law and the President found it necessary to provide support for UNITA activities in Angola. Perhaps for diplomatic or political reasons UNITA would not desire to receive U.S. aid openly; perhaps countries willing to help the U.S. in a quiet action to aid UNITA would not be willing to help in an action the U.S. announced publicly; and perhaps the Cuban and Soviet governments which have deployed armed forces in Angola would feel compelled to respond aggressively and directly to an action the U.S. announced publicly. In such a situation, the publicity required by Section 107 of H.R. 4759 would decrease the chances for U.S. success in meeting the Communist challenge in Angola and would increase the risks of U.S. efforts. Thus, enactment of Section 107 would damage United States foreign policy and security interests.

SUPPORTERS OF SECTION 107 DO NOT UNDERSTAND THE NATURE OF SOVIET WARS OF NATIONAL ENSLAVEMENT

The Congress cannot properly deal with the question of United States policy toward Angola independently of other foreign policy questions, as the supporters of Section 107 of H.R. 4759 ask the House to do. Soviet and Cuban support for the governing Marxist Popular Movement for the Liberation of Angola (MPLA), and the Soviet and Cuban military presence in Angola, do not represent an aberration in Soviet and Cuban international behavior—they represent the norm. The United States faces Communist adventurism in many places, including Afghanistan, Cambodia, Ethiopia, Mozambique, South Yemen, and, most closely to home, Nicaragua. The preeminent foreign policy question of the decade remains whether the United States will meet this test of its will to advance the interests of freedom in the face of Communist expansion.

American interests require the United States to resist effectively the establishment and expansion of Communism around the globe, but also require that we avoid involvement of the United States Armed Forces in wars which would sap our military and economic strength and political will, and would risk direct East-West military confrontation. To meet Soviet and Cuban military and paramilitary efforts around the world without employing the U.S. Armed Forces, the United States should proceed quietly with measured, sustained support for people around the world willing to fight for their freedom. In a nutshell, the United States should exercise the covert action option to help freedom fighters.

The Soviets and their cohorts believe the United States cannot muster the national will to resist attacks which come not through the conventional means of traditional warfare, but instead come in the form of insurgencies involving low and medium intensity conflict engaged in by Soviet proxies. The Communist have known successes through these means—in Angola for example. If the Soviets become more firmly convinced than they already are that the

United States lacks the will to resist their efforts to expand Communism through the military and political efforts of their Marxist-Leninist clients, the result will be grave indeed for U.S. interests around the globe. By enacting Section 107 of H.R. 4759, Congress would confirm the Soviets' belief that the U.S. lacks the will to resist.

The House should be working with the President to ensure a measured, comprehensive and effective response to the Soviet expansion strategy for the Third World. Instead, many Members of the House spend time seeking to thwart development of such a response.

CONGRESSIONAL FOLLY ALLOWED COMMUNISM TO COME TO POWER IN ANGOLA

The history of Angola in the past decade demonstrates that danger of congressionally imposed prohibitions on covert action to support those fighting for freedom against a Communist regime.

In 1975, Portugal announced that it would grant independence to Angola. Portugal and three groups which had for years sought Angola independence (the Marxist MPLA, UNITA, and the National Front for the Liberation of Angola (FNLA)) reached an accord, known as the Alvor Agreement, to establish an interim government, in which all three groups would participate, to draft a constitution and to prepare and hold elections. The interim governing arrangement broke down.

The MPLA sought and received substantial military aid from the Soviet Union and Cuba. In the latter part of 1975, Cuba sent combat troops to Angola to support the MPLA. According to press reports at the time, the United States provided support covertly to Angola groups opposing the MPLA. The MPLA achieved a number of military successes and controlled the Angolan capital, Luanda, when the Portuguese departed Angola in November, 1975.

The MPLA proclaimed itself the government of a new People's Republic of Angola and welcomed approximately 400 Soviet advisors and an estimated 4,000 Cuban combat personnel before the year was out. As press reports in the United States spoke of a covert program to support anti-Communist groups in Angola, the Congress—in a fit of post-Vietnam, post-Watergate pique—attached to the Department of Defense Appropriations Act, 1976 (P.L. 94-212) a provision prohibiting any such U.S. support during Fiscal Year 1976 (the "Tunney Amendment"). Thereafter, Congress enacted a permanent prohibition against U.S. support for groups in Angola as Section 118 of the International Security and Arms Export Control Act of 1976 (P.L. 94-329) (the "Clark Amendment"). While Congress spent its time hobbling President Ford's ability to meet the Communist challenge in Angola, the MPLA set about consolidating its hold on power.

The Carter Administration attempted to reconcile with the MPLA, citing as the Adminstration's objectives exploitation of commercial opportunities for U.S. business and use of positive incentives for the MPLA to decrease its reliance on the Soviet Union and Cuba. While the Carter Administration tried to use persuasive skills on the MPLA, the number of Cuban combat troops in Angola

grew to approximately 20,000. In 1980, Congress made minor procedural adjustments in the Clark Amendment, but left in force the prohibition of U.S. aid to Angolan opposition groups.

The Marxist MPLA government of Angola, whose safety and survival the Congress guaranteed with the Clark Amendment, developed ever more close military and political ties with the Soviet Union and Cuba. Today approximately 30,000 Cuban combat troops support the MPLA government in Angola, and Soviet, Cuban, and East German advisors fill important roles in support of the Angolan government.

Despite the repressive military efforts of the MPLA regime, UNITA survived the decade as an effective resistance group in opposition to the MPLA. Under the leadership of Dr. Jonas Savimbi, UNITA's strength has grown to encompass about 40,000 people, many under arms. The UNITA organization controls a substantial portion of Angolan territory and carries out civil government functions in that territory in addition to military operations in resistance to the MPLA.

In August 1985, the Congress repealed the Clark Amendment by Section 811 of the International Security and Development Cooperation Act of 1985 (P.L. 99-83). In September 1985, the MPLA began a major offensive against UNITA. During the latter part of 1985 public and congressional debate in the United States focused on whether to provide aid to support UNITA, which the repeal of the Clark Amendment made possible.

We believe that the United States should provide to UNITA full diplomatic, economic, and arms support through the means that will best contribute to achievement of U.S. foreign policy objectives in the region.

DON'T MAKE THE SAME MISTAKES TWICE

We ask our colleagues in the House not to repeat the mistakes of the past.

A decade ago, the one-year Tunney Amendment and the permanent Clark Amendment prohibited U.S. support for freedom fighters in Angola and permitted the Communists to seize power in Angola and work to consolidate their power. Just eleven months ago, the Congress had the widsom to repeal the Clark Amendment, recognizing that the prohibition hobbled the President's efforts to achieve a just solution for the problems of the region.

Essentially, Section 107 of H.R. 4759 is just the Clark Amendment all over again. We urge the Congress not to repeat—by enacting Section 107—the mistake it made a decade ago with the Clark Amendment.

BOB STUMP.
JIM COURTER.
HERBERT H. BATEMAN.

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